

1                                   A bill to be entitled  
2           An act relating to the Department of Legal Affairs;  
3           amending s. 16.617, F.S.; authorizing the Statewide  
4           Council on Human Trafficking to apply for and receive  
5           funding from additional sources to defray costs  
6           associated with the annual policy summit; amending s.  
7           321.04, F.S.; requiring the Department of Highway  
8           Safety and Motor Vehicles to assign highway patrol  
9           officers to the Office of the Attorney General as  
10          requested; amending ss. 501.203 and 501.204, F.S.;  
11          updating references for purposes of the Florida  
12          Deceptive and Unfair Trade Practices Act; amending s.  
13          736.0110, F.S.; providing that the Attorney General  
14          has standing to assert certain rights in certain  
15          proceedings; amending s. 736.1201, F.S.; defining the  
16          term "delivery of notice"; conforming a provision to  
17          changes made by the act; amending s. 736.1205, F.S.;  
18          requiring an authorized trustee to provide certain  
19          notice to the Attorney General rather than the state  
20          attorney; amending ss. 736.1206, 736.1207, 736.1208,  
21          and 736.1209, F.S.; conforming provisions; amending s.  
22          896.101, F.S.; creating a definition of virtual  
23          currency; expanding the Florida Money Laundering Act  
24          to prohibit the laundering of virtual currency;  
25          amending s. 960.03, F.S.; revising definitions for

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26 | purposes of crime victim assistance; amending s.  
 27 | 960.16, F.S.; providing that awards of emergency  
 28 | responder death benefits under a specified provision  
 29 | are not subject to subrogation; creating s. 960.194,  
 30 | F.S.; providing definitions; providing for awards to  
 31 | the surviving family members of first responders who,  
 32 | as a result of a crime, are killed answering a call  
 33 | for service in the line of duty; specifying  
 34 | considerations in the determination of the amount of  
 35 | such an award; providing for apportionment of awards  
 36 | in certain circumstances; authorizing rulemaking for  
 37 | specified purposes; providing for denial of benefits  
 38 | under certain circumstances; providing an effective  
 39 | date.

40 | Be It Enacted by the Legislature of the State of Florida:

41 | Section 1. Paragraph (d) is added to subsection (3) of  
 42 | section 16.617, Florida Statutes, to read:

43 | 16.617 Statewide Council on Human Trafficking; creation;  
 44 | membership; duties.—

45 | (3) ORGANIZATION AND SUPPORT.—

46 | (d) The council may apply for and accept funds, grants,  
 47 | gifts, and services from the state, the Federal Government or  
 48 | any of its agencies, or any other public or private source for  
 49 | the purpose of defraying costs associated with the annual  
 50 | statewide policy summit.

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51 Section 2. Subsection (4) of section 321.04, Florida  
 52 Statutes, is renumbered as subsection (5), and a new subsection  
 53 (4) is added to that section, to read:

54 321.04 Personnel of the highway patrol; rank  
 55 classifications; probationary status of new patrol officers;  
 56 subsistence; special assignments.—

57 (4) Upon request of the Attorney General, the Department  
 58 of Highway Safety and Motor Vehicles shall assign one or more  
 59 patrol officers to the Office of the Attorney General for  
 60 security services.

61 Section 3. Subsection (3) of section 501.203, Florida  
 62 Statutes, is amended to read:

63 501.203 Definitions.—As used in this chapter, unless the  
 64 context otherwise requires, the term:

65 (3) "Violation of this part" means any violation of this  
 66 act or the rules adopted under this act and may be based upon  
 67 any of the following as of July 1, 2017 ~~2015~~:

68 (a) Any rules promulgated pursuant to the Federal Trade  
 69 Commission Act, 15 U.S.C. ss. 41 et seq.;

70 (b) The standards of unfairness and deception set forth  
 71 and interpreted by the Federal Trade Commission or the federal  
 72 courts; or

73 (c) Any law, statute, rule, regulation, or ordinance which  
 74 proscribes unfair methods of competition, or unfair, deceptive,  
 75 or unconscionable acts or practices.

76 Section 4. Section 501.204, Florida Statutes, is amended  
 77 to read:

78 501.204 Unlawful acts and practices.—

79 (1) Unfair methods of competition, unconscionable acts or  
 80 practices, and unfair or deceptive acts or practices in the  
 81 conduct of any trade or commerce are hereby declared unlawful.

82 (2) It is the intent of the Legislature that, in  
 83 construing subsection (1), due consideration and great weight  
 84 shall be given to the interpretations of the Federal Trade  
 85 Commission and the federal courts relating to s. 5(a)(1) of the  
 86 Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July  
 87 1, 2017 ~~2015~~.

88 Section 5. Subsection (3) of section 736.0110, Florida  
 89 Statutes, is amended to read:

90 736.0110 Others treated as qualified beneficiaries.—

91 (3) The Attorney General may assert the rights of a  
 92 qualified beneficiary with respect to a charitable trust having  
 93 its principal place of administration in this state. The  
 94 Attorney General has standing to assert such rights in any  
 95 judicial proceedings.

96 Section 6. Subsections (2), (3), and (4) of section  
 97 736.1201, Florida Statutes, are renumbered as subsections (3),  
 98 (4), and (5), respectively, present subsection (5) of that  
 99 section is amended, and a new subsection (2) is added to that  
 100 section, to read:

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101 736.1201 Definitions.—As used in this part:

102 (2) "Delivery of notice" means delivery of a written  
 103 notice required under this part using any commercial delivery  
 104 service requiring a signed receipt or by any form of mail  
 105 requiring a signed receipt.

106 ~~(5) "State attorney" means the state attorney for the~~  
 107 ~~judicial circuit of the principal place of administration of the~~  
 108 ~~trust pursuant to s. 736.0108.~~

109 Section 7. Section 736.1205, Florida Statutes, is amended  
 110 to read:

111 736.1205 Notice that this part does not apply.—In the case  
 112 of a power to make distributions, if the trustee determines that  
 113 the governing instrument contains provisions that are more  
 114 restrictive than s. 736.1204(2), or if the trust contains other  
 115 powers, inconsistent with the provisions of s. 736.1204(3) that  
 116 specifically direct acts by the trustee, the trustee shall  
 117 notify the ~~state~~ Attorney General by delivery of notice when the  
 118 trust becomes subject to this part. Section 736.1204 does not  
 119 apply to any trust for which notice has been given pursuant to  
 120 this section unless the trust is amended to comply with the  
 121 terms of this part.

122 Section 8. Subsection (2) of section 736.1206, Florida  
 123 Statutes, is amended to read:

124 736.1206 Power to amend trust instrument.—

125 (2) In the case of a charitable trust that is not subject

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126 | to ~~the provisions of~~ subsection (1), the trustee may amend the  
 127 | governing instrument to comply with ~~the provisions of~~ s.  
 128 | 736.1204(2) after delivery of notice to, and with the consent  
 129 | of, ~~the~~ state Attorney General.

130 |       Section 9. Section 736.1207, Florida Statutes, is amended  
 131 | to read:

132 |       736.1207 Power of court to permit deviation.—This part  
 133 | does not affect the power of a court to relieve a trustee from  
 134 | any restrictions on the powers and duties that are placed on the  
 135 | trustee by the governing instrument or applicable law for cause  
 136 | shown and on complaint of the trustee, the Attorney General  
 137 | ~~state attorney,~~ or an affected beneficiary and notice to the  
 138 | affected parties.

139 |       Section 10. Paragraph (b) of subsection (4) of section  
 140 | 736.1208, Florida Statutes, is amended to read:

141 |       736.1208 Release; property and persons affected; manner of  
 142 | effecting.—

143 |       (4) Delivery of a release shall be accomplished as  
 144 | follows:

145 |       (b) If the release is accomplished by reducing the class  
 146 | of permissible charitable organizations, by delivery of notice ~~a~~  
 147 | ~~copy~~ of the release to the ~~state~~ Attorney General, including a  
 148 | copy of the release.

149 |       Section 11. Section 736.1209, Florida Statutes, is amended  
 150 | to read:

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151           736.1209 Election to come under this part.—With the  
 152 consent of that organization or organizations, a trustee of a  
 153 trust for the benefit of a public charitable organization or  
 154 organizations may come under s. 736.1208(5) by delivery of  
 155 notice to filing with the state Attorney General of the an  
 156 election, accompanied by the proof of required consent.  
 157 Thereafter the trust shall be subject to s. 736.1208(5).

158           Section 12. Subsection (2) of section 896.101, Florida  
 159 Statutes, is amended and reordered, to read:

160           896.101 Florida Money Laundering Act; definitions;  
 161 penalties; injunctions; seizure warrants; immunity.—

162           (2) As used in this section, the term:

163           (a)~~(b)~~ "Conducts" includes initiating, concluding, or  
 164 participating in initiating or concluding a transaction.

165           (b)~~(f)~~ "Financial institution" means a financial  
 166 institution as defined in 31 U.S.C. s. 5312 which institution is  
 167 located in this state.

168           (c)~~(d)~~ "Financial transaction" means a transaction  
 169 involving the movement of funds by wire or other means or  
 170 involving one or more monetary instruments, which in any way or  
 171 degree affects commerce, or a transaction involving the transfer  
 172 of title to any real property, vehicle, vessel, or aircraft, or  
 173 a transaction involving the use of a financial institution which  
 174 is engaged in, or the activities of which affect, commerce in  
 175 any way or degree.

176        (d)~~(h)~~ "Knowing" means that a person knew; or, with  
 177        respect to any transaction or transportation involving more than  
 178        \$10,000 in U.S. currency or foreign equivalent, should have  
 179        known after reasonable inquiry, unless the person has a duty to  
 180        file a federal currency transaction report, IRS Form 8300, or a  
 181        like report under state law and has complied with that reporting  
 182        requirement in accordance with law.

183        (e)~~(a)~~ "Knowing that the property involved in a financial  
 184        transaction represents the proceeds of some form of unlawful  
 185        activity" means that the person knew the property involved in  
 186        the transaction represented proceeds from some form, though not  
 187        necessarily which form, of activity that constitutes a felony  
 188        under state or federal law, regardless of whether or not such  
 189        activity is specified in paragraph (h) ~~(g)~~.

190        (f)~~(e)~~ "Monetary instruments" means coin or currency of  
 191        the United States or of any other country, virtual currency,  
 192        travelers' checks, personal checks, bank checks, money orders,  
 193        investment securities in bearer form or otherwise in such form  
 194        that title thereto passes upon delivery, and negotiable  
 195        instruments in bearer form or otherwise in such form that title  
 196        thereto passes upon delivery.

197        (g)~~(i)~~ "Petitioner" means any local, county, state, or  
 198        federal law enforcement agency; the Attorney General; any state  
 199        attorney; or the statewide prosecutor.

200        (h)~~(g)~~ "Specified unlawful activity" means any

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201 "racketeering activity" as defined in s. 895.02.

202 (i)~~(e)~~ "Transaction" means a purchase, sale, loan, pledge,  
 203 gift, transfer, delivery, or other disposition, and with respect  
 204 to a financial institution includes a deposit, withdrawal,  
 205 transfer between accounts, exchange of currency, loan, extension  
 206 of credit, purchase or sale of any stock, bond, certificate of  
 207 deposit, or other monetary instrument, use of a safety deposit  
 208 box, or any other payment, transfer, or delivery by, through, or  
 209 to a financial institution, by whatever means effected.

210 (j) "Virtual currency" means a medium of exchange in  
 211 electronic or digital format that is not a coin or currency of  
 212 the United States or any other country.

213 Section 13. Paragraph (f) is added to subsection (3) of  
 214 section 960.03, Florida Statutes, paragraphs (c) and (d) of  
 215 subsection (14) of that section are amended, and paragraph (e)  
 216 is added to that subsection, to read:

217 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
 218 960.01-960.28, unless the context otherwise requires, the term:

219 (3) "Crime" means:

220 (f) A felony or misdemeanor that results in the death of  
 221 an emergency responder, as defined in and solely for the  
 222 purposes of s. 960.194, while answering a call for service in  
 223 the line of duty, notwithstanding paragraph (c).

224 (14) "Victim" means:

225 (c) A person younger than 18 years of age who was the

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226 | victim of a felony or misdemeanor offense of child abuse that  
 227 | resulted in a mental injury as defined by s. 827.03 but who was  
 228 | not physically injured; ~~or~~

229 | (d) A person against whom a forcible felony was committed  
 230 | and who suffers a psychiatric or psychological injury as a  
 231 | direct result of that crime but who does not otherwise sustain a  
 232 | personal physical injury or death; or

233 | (e) An emergency responder, as defined in and solely for  
 234 | the purposes of s. 960.194, who is killed answering a call for  
 235 | service in the line of duty.

236 | Section 14. Section 960.16, Florida Statutes, is amended  
 237 | to read:

238 | 960.16 Subrogation.—Except for an award under s. 960.194,  
 239 | payment of an award pursuant to this chapter shall subrogate the  
 240 | state, to the extent of such payment, to any right of action  
 241 | accruing to the claimant or to the victim or intervenor to  
 242 | recover losses directly or indirectly resulting from the crime  
 243 | with respect to which the award is made. Causes of action which  
 244 | shall be subrogated under this section include, but are not  
 245 | limited to, any claim for compensation under any insurance  
 246 | provision, including an uninsured motorist provision, when such  
 247 | claim seeks to recover losses directly or indirectly resulting  
 248 | from the crime with respect to which the award is made.

249 | Section 15. Section 960.194, Florida Statutes, is created  
 250 | to read:

251           960.194 Emergency responder death benefits.—  
 252           (1) For the purposes of this section, the term:  
 253           (a) "Call for service" means actively performing official  
 254 duties, including the identification, prevention, or enforcement  
 255 of the penal, traffic, or highway laws of this state, traveling  
 256 to the scene of an emergency situation, and performing those  
 257 functions for which the emergency responder has been trained and  
 258 certified to perform.  
 259           (b) "Emergency responder" means a law enforcement officer,  
 260 a firefighter, an emergency medical technician, or paramedic.  
 261           (c) "Emergency medical technician" has the same meaning as  
 262 provided in s. 401.23.  
 263           (d) "Firefighter" has the same meaning as provided in s.  
 264 633.102.  
 265           (e) "Law enforcement officer" has the same meaning as  
 266 provided in s. 943.10.  
 267           (f) "Paramedic" has the same meaning as provided in s.  
 268 401.23.  
 269           (g) "Surviving family members of an emergency responder"  
 270 means the surviving spouse, children, parents or guardian, or  
 271 siblings of a deceased emergency responder.  
 272           (2) Notwithstanding s. 960.065(1) and s. 960.13, the  
 273 department may award for any one claim up to a maximum of  
 274 \$50,000, to the surviving family members of an emergency  
 275 responder who, as a result of a crime, is killed answering a

276 | call for service in the line of duty.

277 | (3) In determining the amount of an award, the department  
 278 | shall determine whether, because of his or her conduct, the  
 279 | emergency responder contributed to his or her death, and the  
 280 | department shall reduce the amount of the award or reject the  
 281 | claim altogether, in accordance with such determination.

282 | However, the department may disregard the contribution of the  
 283 | emergency responder to his or her own death when the record  
 284 | shows that such contribution was attributed to efforts by the  
 285 | emergency responder acting as an intervenor as defined in s.  
 286 | 960.03.

287 | (4) If there are two or more persons entitled to an award  
 288 | pursuant to this section for the same incident, the award shall  
 289 | be apportioned among the claimants at the discretion and  
 290 | direction of the department.

291 | (5) The department may adopt rules that establish award  
 292 | limits below the amount set forth in subsection (2) and  
 293 | establish criteria governing awards pursuant to this section.

294 | (6) An award pursuant to this section shall be reduced or  
 295 | denied if the department has previously approved or paid out a  
 296 | claim under s. 960.13 to the same claimant regarding the same  
 297 | incident. An award for victim compensation under s. 960.13 shall  
 298 | be denied if the department has previously approved or paid out  
 299 | an emergency responder death benefits claim under this section.

300 | Section 16. This act shall take effect July 1, 2017.